

**BEFORE THE ALABAMA DEPARTMENT
OF REHABILITATION SERVICES**

IN RE: THE MATTER OF CALVIN SCOTT

**A Full and Evidentiary Hearing Pursuant to the Randolph-
Sheppard Vending Act 20 U.S.C. 107, et seq.**

VOLUME IV

[Pages 226 to 260]

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1 A. That was in January 1996.

2 Remember I showed you the letter.

3 Q. 1996?

4 A. Uh-huh.

5 Q. Okay. But what I'm asking is
6 what evidence you have?

7 A. Well, I have the letters he
8 wrote, those letters he wrote. It shows
9 that -- it shows defamation of character.
10 He discriminated on us by taking -- he
11 didn't want us to have a swipe key. The
12 janitors is not State employees and they
13 have swipe keys. Even the night crew has
14 got swipe keys. What's wrong with the
15 vendor that's been there all these years
16 having a swipe key?

17 Q. All right. I want you to
18 listen carefully to my question. What
19 evidence do you have that those things
20 were because of Mr. Scott's race?

21 A. I'm saying it's in the letter
22 that he wrote and for the request -- for
23 the request we had.

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1 Q. Now, is there anything in one
2 of the letters that mentioned race?

3 A. No. No. It's nothing in
4 none of the letters mentioning race.

5 Q. Well, do you have -- is there
6 a conversation that's occurred that
7 mentioned race to cause you to think --

8 A. It's just the way we was
9 treated by him. It's the way we was
10 treated by him. That's how I feel.
11 That's my feeling.

12 Q. I understand.

13 A. That's the way we feel, the
14 way we was treated by him.

15 Q. I understand that's your
16 feeling, and I don't mean to disrespect
17 your feeling. But I'm saying you have
18 that feeling. Do you have anything in
19 evidence, a document or is there a
20 conversation that has caused you to have
21 that belief?

22 A. Yeah. Any time you request a
23 parking place, a machine being moved and a

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1 swipe key to get in the building to do
2 your work, he violated the ADA federal
3 laws for Americans With Disabilities. And
4 those are discriminations. He violated
5 those.

6 Q. And I want to ask you again,
7 and I want you to listen carefully to the
8 question. I'm not sure you're
9 understanding me. I need you to listen to
10 the question. Do you have any evidence?
11 Do you understand what I mean by evidence?

12 A. No. I don't have any
13 evidence. No. I don't have any evidence.
14 It's just -- it's just the dealing and the
15 facts of the letters that -- because James
16 Swearengin, we never had conversation.
17 That's what I couldn't understand what was
18 his problem. I've got a right to feel
19 like he don't like us. I can work around
20 him all day and not speak to him and do
21 our business and never cause him any
22 problems. Never disrespect him. None
23 whatsoever. Whatever his problem is, I

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1 don't know. But I know how he treat us,
2 and that's all I can go on is the results
3 of how he treated us and the results of
4 those three requests how it turned out to
5 be so corrupt that he asked us to move.

6 Q. Okay.

7 A. And it didn't cost him
8 nothing and it wasn't no undue hardship.
9 He violated the Americans With
10 Disabilities Act. Any time --

11 Q. Okay. Now, let me ask you
12 that next question. You say he violated
13 the Americans With Disabilities Act,
14 Ms. Scott; is that correct?

15 A. Yeah, because he didn't -- he
16 didn't want to get those -- he didn't get
17 those -- he gave them because he was
18 forced to give them.

19 Q. In what way did he violate
20 the Americans With Disabilities Act?

21 A. They wrote for Calvin to
22 move. He wrote us -- for us to move. He
23 wrote us up to move. They didn't tell

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1 Calvin nothing -- mention nothing about
2 the request and what the meeting was all
3 for. The meeting was called for the
4 request that we'd put in about the swipe
5 key and the -- and to get a swipe key, a
6 parking place and a machine moved. It
7 turned out to be a corrupt, terrible
8 thing. We come home tired of getting
9 phone calls on the 9th, because it was the
10 31st out here with Ray. And that letter I
11 wrote the Office of Civil Rights is dated
12 February 3rd. I know it didn't take that
13 long to get no swipe key. He was
14 unaccommodating. He was unaccommodating.

15 Q. His failure to get you --
16 it's your allegation his failure to get
17 you a swipe key was --

18 A. For the blind vendor. It
19 wasn't for me. It was for the blind
20 vendor that's a permanent vendor there.

21 Q. But you're alleging that that
22 was a violation of the ADA?

23 A. It was.

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1 Q. Okay.

2 A. He failed to accommodate.

3 Q. Now, I'll ask you again.

4 What evidence, if any, do you have that
5 the failure to give Mr. Scott a swipe key
6 was on account of his disability?

7 A. I don't have no evidence of
8 it. Only thing I have is a conversation
9 that he told me that I didn't work for the
10 State. But I told him my husband work the
11 State Business Enterprise Program and that
12 is the State. That is the State. And
13 that is a public building. That's a
14 taxpayer building there. He works for the
15 State because he's through the State
16 Rehabilitation. That's why we are here.
17 If he's self-employed, how could they push
18 me off from working with him? I mean,
19 they don't furnish the car, neither do
20 they pay the driver. They don't do any of
21 that. So it is. And then another
22 thing --

23 Q. Excuse me. It's your

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1 contention that you're a State employee
2 because your husband worked for the
3 Business Enterprise Program?

4 A. No. I'm not a State
5 employee. No. I'm not a State employee.
6 I'm assisting to my husband.

7 Q. Do you believe that your
8 husband is a State employee?

9 A. Yes, through the Business
10 Enterprise Program because they are
11 Rehabilitation -- Alabama State
12 Rehabilitation Business Enterprise
13 Program. Whether we have a contract or
14 not, he pay eleven percent of his income
15 to them and plus the escrow every month.
16 So he is through the Business Enterprise.
17 How could they up and tell him I couldn't
18 be his driver?

19 Q. Okay.

20 A. Tell me that. How could they
21 come in and do all this and talk about the
22 program, this and all that if he's not an
23 employee under them? They put them out

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1 there, these blind vendors out there and
2 tell you you're self-employed. They stock
3 it. You've got to go on your own. And if
4 somebody comes in and robs you and
5 vandalizes your machine, you're left out
6 there with no pay. You've got to do the
7 best you can to get your machines back up
8 to get on your feet to earn a living. So
9 he is with the State Rehabilitation
10 Service. I'll contest that until I die
11 because this -- this is how -- who he's
12 involved with.

13 Q. Okay. Now, other than the
14 testimony you've given here today and the
15 exhibits that you've offered into
16 evidence, do you have any other evidence
17 that shows or would support your theory?

18 A. All I have are the facts.

19 Q. Other than--

20 A. All I have is facts.

21 HEARING OFFICER: Let her finish
22 asking her question.

23 Q. Other than the testimony

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1 you've given us and all the exhibits that
2 you've offered here today, do you have any
3 other evidence that either -- well, that
4 Mr. Scott has been a victim of
5 discrimination by Buddy Swearengen?

6 A. No. I don't have any
7 evidence. The facts speak for themselves.

8 Q. Thank you.

9 A. Harassment, retaliation,
10 intimidation is discrimination. I got all
11 that information from the United States
12 Department of Education Office of Civil
13 Rights. All of that is retaliation. He
14 retaliated. We got intimidated. We got
15 harassed. We got --

16 MR. SCOTT: Threats.

17 A. We had threats. All of that
18 is discrimination.

19 Q. And, again, Ms. Scott, since
20 you've introduced all of that, is all your
21 evidence of those things, has it been
22 introduced here in these proceedings
23 today?

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1 A. Well, those letters prove it.
2 Anybody read those letters, they can put
3 it together.

4 Q. The letters --

5 A. The facts --

6 Q. Excuse me, Ms. Scott. I need
7 you to listen to my question. The letters
8 that you have put into evidence here
9 today, those are the letters you're
10 speaking of; is that correct?

11 A. Yes. Uh-huh.

12 Q. And you have no other
13 evidence other than what has been
14 presented today?

15 A. No. And this is something I
16 want to speak about in this --

17 Q. Please just respond to my
18 question.

19 HEARING OFFICER: You've
20 responded to her question.

21 Q. Do you have any other
22 evidence of discrimination other than what
23 you've presented?

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1 A. That's all I have.

2 MR. SCOTT: That's it.

3 MS. FLEMING: Thank you.

4 HEARING OFFICER: Now, I guess
5 we're back to Ms. Scott. Do you have
6 anything else?

7 MS. SCOTT: Yes. I would like
8 to mention this here in the State
9 Code here.

10 HEARING OFFICER: All right. I
11 think why don't you hold on to that
12 for now. It sounds like you want to
13 make some argument at this time. Am
14 I correct? Well, maybe you don't
15 know.

16 MS. SCOTT: I'm not trying to
17 make an argument because I've turned
18 in the facts. I've turned in the
19 facts. And I understand --

20 HEARING OFFICER: Then we'll go
21 back to what you wanted to do earlier
22 then.

23 MS. SCOTT: Okay. And also what

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1 Ray Dennis done -- well, we had to
2 take all the money up. We missed two
3 weeks pay in March because we had no
4 money accumulate in the machines. We
5 had to be filling them. And so
6 Calvin has service with Coca-Cola
7 Bottling Company. They come in and
8 service the machines. And his check
9 didn't come for February. He got
10 inventoried out on the 23rd. Well,
11 the month of February was Calvin's --
12 that was still Calvin's facility. So
13 I told Calvin, I said, You need to
14 call down at Coke and see what's the
15 matter with your check, because we
16 called way up in Florida where the
17 checks are cut at, and they didn't
18 have nothing for Calvin. So I told
19 him he better call the bottling
20 company here. And we even went out
21 there. Ken Green called us on the
22 18th of March. This is the letter I
23 wrote. On the 18th of March from Ken

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1 Green says Ray told him to call and
2 tell Calvin that his check would be
3 late, that he had put a hold on his
4 Coke commission check. So we went
5 there and talked to him. We was
6 trying to find out. We wanted copies
7 of where Ray had called out there, a
8 letter or what. We was trying to get
9 copies of it. And I faxed Ms. Thelma
10 that same day a letter and explained
11 to her and told her who the man was.
12 And if I find that letter again, I
13 will. I've got a copy of it. But
14 anyway, he put a hold on his check.
15 Normally you get the check, the
16 February check, you'll get it in
17 March around about the middle of
18 March or maybe around the first week
19 in March. This check didn't come.

20 HEARING OFFICER: Okay. If I
21 understand you correctly, a hold was
22 put on Mr. Scott's February check and
23 it did not get there until sometime

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1 when?

2 MS. SCOTT: April. He closed us
3 out on every financial situation he
4 could. Ray did. Done pushed him
5 out, took -- and the month of
6 February was his. The last day that
7 Coke serviced those machines was
8 February the 22nd, and I have
9 invoices here. He inventoried Calvin
10 out on the 23rd. But the month of
11 February, that commissions check,
12 Calvin earned that. That was his
13 check. That check was his. He
14 shouldn't have put a hold on Calvin's
15 check. And there we didn't have no
16 income coming in. We wasn't allowed
17 to go down to the building and stock
18 the machines, because I wanted to go
19 down and take the money out and let
20 him have it. But I wasn't permitted
21 in the building.

22 And let me see what it was I've
23 got in here. Oh, yeah. Because

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1 we've having to leave invoices for
2 the amount of cases that they put in
3 those machines. So these are the
4 invoices. The last day of service
5 for Coke was February the 22nd.

6 HEARING OFFICER: I've got to
7 tell you I don't understand what
8 you're saying to me about Coca-Cola.

9 MS. SCOTT: February the 22nd.
10 Here's the man's name and all that.

11 MR. SIMPSON: I may be able to
12 explain it if you'd like a
13 stipulation that she might even
14 accept.

15 HEARING OFFICER: Do you want to
16 just be quiet and listen for a
17 minute?

18 MS. SCOTT: Well, we run this
19 business and I would like --

20 HEARING OFFICER: Do you want to
21 be quiet and just listen for a
22 minute?

23 MS. SCOTT: Okay.

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1 HEARING OFFICER: In a procedure
2 like this, the parties can stipulate
3 to certain facts if both sides agree
4 with a certain set of facts.

5 MS. SCOTT: Okay.

6 HEARING OFFICER: And I can
7 accept that as a stipulation --

8 MS. SCOTT: Okay.

9 HEARING OFFICER: -- without any
10 evidence at all. Mr. Simpson is
11 about to offer you-all a stipulation
12 to see if you want to agree with it.

13 MR. SIMPSON: A portion of
14 Mr. Scott's income, a part of his
15 income is derived from payments made
16 by Coca-Cola and Pepsi directly to
17 him of a commission based on the
18 sales out of Coca-Cola and the Pepsi
19 drink machines that Mr. Scott doesn't
20 have to service, load. The
21 representatives of Coca-Cola and
22 Pepsi load. Mr. Ray Dennis when
23 this -- these problems arose and it

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1 appeared that Mr. Scott was going to
2 be removed on February 24th notified
3 Coca-Cola and Pepsi that he was no
4 longer going to be the blind vendor
5 assigned to the Gordon Persons
6 Building. This caused the Coca-Cola
7 and Pepsi companies to stop payments
8 on the checks that would normally
9 arrive to Mr. Scott. All those
10 things happened. We admit that.
11 That's exactly what happened.

12 HEARING OFFICER: Let me ask
13 you.

14 MR. SIMPSON: Then Mr. Dennis
15 informed them that the problems at
16 the Gordon Persons Building had been
17 resolved, and payment of all the
18 amounts owed by Coca-Cola and Pepsi
19 were then later made to Mr. Scott.

20 HEARING OFFICER: Do you-all
21 accept that stipulation?

22 MS. SCOTT: No. I want to say
23 this.

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1 HEARING OFFICER: Do you accept
2 any part of the stipulation?

3 MS. SCOTT: Yeah. Some parts of
4 it.

5 HEARING OFFICER: Well, hold on
6 a minute. Do you accept the
7 stipulation that a portion of
8 Mr. Scott's income is derived from
9 commissions on Coke and Pepsi
10 machines in the Gordon Persons
11 Building?

12 MS. SCOTT: Yes.

13 HEARING OFFICER: And that
14 Mr. Scott does not have service?

15 MS. SCOTT: Yes.

16 HEARING OFFICER: You accept
17 that stipulation?

18 MS. SCOTT: Yes.

19 HEARING OFFICER: Do you accept
20 the stipulation that Mr. Scott
21 advised Coke and Pepsi that Mr. Scott
22 had -- Mr. Dennis advised Coke and
23 Pepsi that Mr. Scott was going to be

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1 removed?

2 MS. SCOTT: Do I accept it?

3 HEARING OFFICER: Yes.

4 MS. SCOTT: Well, he said Calvin
5 never was removed, but he done called
6 these people and said that he's being
7 removed.

8 HEARING OFFICER: You don't
9 accept the stipulation?

10 MS. SCOTT: Of him saying he was
11 removed? Yes, I accept it, because
12 he had removed him. He had
13 inventoried him out.

14 HEARING OFFICER: I don't
15 understand why you have to argue when
16 you say that you accept it.

17 MS. SCOTT: Well --

18 HEARING OFFICER: You're
19 accepting the stipulation that when
20 it appeared that Mr. Scott was going
21 to be removed, Mr. Dennis advised
22 Coke and Pepsi of that fact. Do you
23 accept that stipulation?

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1 MS. SCOTT: Yes. Okay. Yes.

2 HEARING OFFICER: And do you
3 accept the stipulation that later on
4 when it appeared -- when it was
5 determined that Mr. Scott was not
6 going to be removed, Mr. Dennis
7 informed Coke and Pepsi of that fact?

8 MS. SCOTT: Well, you know, I
9 don't know who informed them. I
10 don't know how to answer that
11 question because we had been down
12 there and --

13 HEARING OFFICER: You decline to
14 accept the stipulation. That's all
15 I'm asking. Yes or no?

16 MS. SCOTT: Oh, I don't know. I
17 don't know.

18 HEARING OFFICER: All I'm asking
19 is yes or no. You don't have to say
20 I don't know. I don't know. That's
21 so argumentative.

22 MS. SCOTT: Something happened
23 that he got his check back. It was a

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1 month we didn't get it. In April and
2 May, we got it -- we got it in April
3 on April the 6th.

4 HEARING OFFICER: Okay. You
5 received a check on what date in
6 April?

7 MS. SCOTT: April the 6th, 2005.
8 Normally the checks would have come
9 out around March the 6th, 2005. So
10 we was a month late getting the
11 check.

12 HEARING OFFICER: I understand.

13 MS. SCOTT: And also through him
14 doing that, it also threw Calvin's
15 March check from being late with all
16 the confusion and all the calling and
17 stopping that Ray had done, that they
18 put a hold on the check.

19 HEARING OFFICER: Your testimony
20 is that the March check was also
21 late?

22 MS. SCOTT: Uh-huh. It was also
23 late.

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1 HEARING OFFICER: How late was
2 it?

3 MS. SCOTT: We didn't get March
4 check --

5 HEARING OFFICER: How late was
6 it?

7 MS. SCOTT: Oh, it probably was
8 a month late.

9 MR. SCOTT: It was over a month.

10 MS. SCOTT: Uh-huh. Uh-huh.

11 HEARING OFFICER: Any further
12 evidence?

13 MS. SCOTT: No. You didn't want
14 these invoices?

15 HEARING OFFICER: That's up to
16 you.

17 MS. SCOTT: They inventoried him
18 out on the 22nd. And what I am
19 saying, that Ray was wrong.

20 HEARING OFFICER: Do you want to
21 offer this?

22 MS. SCOTT: I want to offer
23 this. And the 22nd was the last day

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1 they serviced that. That check was
2 really Calvin's. He should not have
3 put a hold on that check.

4 HEARING OFFICER: You want to
5 offer this as Exhibit Number 26.

6 MS. SCOTT: Last day of service
7 was on the 22nd. There you go. This
8 is the month of February.

9 HEARING OFFICER: Okay. Hold
10 on a minute. Just tell me why you
11 want to offer Exhibit 26. What does
12 it prove?

13 MS. SCOTT: Proves that he
14 deliberately put a hold on Calvin's
15 check after pushing us out. And we
16 didn't have no means of income
17 because the month of February was
18 definitely Calvin's.

19 HEARING OFFICER: All right. If
20 I understand this correctly,
21 Defendant's Exhibit Number 26 is
22 offered for the purpose of showing
23 that Mr. Scott was deliberately

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1 pushed out.

2 MS. SCOTT: He cut out his
3 check. He called to stop his check.
4 I mean, the whole month of February
5 was his. The last day it was
6 serviced was February 22nd. He
7 inventoried him out on the 23rd. So
8 that means like that next Tuesday
9 would have been whoever else was
10 going to be vendor. That month of
11 February, the check belonged to
12 Calvin. He shouldn't have put a hold
13 on that check.

14 HEARING OFFICER: That's Mr. --
15 who are you referring to? Mr. who?

16 MS. SCOTT: Ray Dennis.

17 HEARING OFFICER: Mr. Dennis.
18 Okay. Anything else? Any other
19 evidence? All right.

20 MS. SCOTT: I don't know whether
21 you have a copy of this where I wrote
22 up about --

23 HEARING OFFICER: I don't have

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1 anything other than what I'm offered
2 here today.

3 MS. SCOTT: Well, this is where
4 I wrote to whom it concerned about
5 the --

6 HEARING OFFICER: You want to
7 offer that in evidence?

8 MS. SCOTT: Offer that. Yes.
9 They have that, you know.

10 HEARING OFFICER: This is --

11 MS. SCOTT: It's where I wrote
12 and explained to them that we was --

13 MR. SIMPSON: I believe that
14 it's actually a copy of
15 correspondence that's already in
16 there.

17 MS. SCOTT: Some might be in
18 there. Representative Thad McClammy
19 is one and along with all those
20 letters I sent. I faxed him one
21 along with all the letters.

22 HEARING OFFICER: If it's
23 already in, we don't need any extra

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1 paper.

2 MS. SCOTT: All right.

3 HEARING OFFICER: Is there
4 anything further?

5 MS. SCOTT: Not that I can think
6 of right now.

7 MR. SCOTT: No.

8 HEARING OFFICER: Well, this is
9 the last opportunity for this
10 hearing.

11 MS. SCOTT: I hope I done told
12 it all.

13 HEARING OFFICER: Is there
14 anything further from ADRS?

15 MR. SIMPSON: No, sir.

16 HEARING OFFICER: From the
17 Finance Department? You're
18 representing Mr. Swearengin.

19 MS. FLEMING: No.

20 MS. SCOTT: It's just that I
21 didn't -- somehow or other I
22 misplaced that where Ray Dennis
23 inventoried Calvin out.

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1 HEARING OFFICER: Well, we're
2 through with all the evidence. Okay?

3 MS. SCOTT: All right. And I
4 couldn't find it.

5 HEARING OFFICER: We're through
6 with all the evidence.

7 MS. SCOTT: Okay.

8 HEARING OFFICER: You know, if
9 this were a jury trial, it would be
10 traditional to offer both sides the
11 opportunity to make a closing
12 argument. But this is sort of a
13 unique situation here in that we have
14 folks on the right-hand side of the
15 table who are not lawyers and who are
16 not represented by lawyers in this
17 proceeding. Lawyers typically make
18 closing arguments and know how to
19 make closing arguments, and lay
20 people generally don't know how to do
21 that. The other thing is that in a
22 non-jury case or in a hearing in
23 which there is no jury, closing

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1 arguments are not the norm. So I
2 will ask, given all that, does
3 anybody want to make any closing
4 arguments?

5 MR. SIMPSON: No, Your Honor.

6 MS. SCOTT: Well, I would just
7 like to say that we done no wrong to
8 be pushed out like we did because of
9 three simple requests. It came out
10 to be corrupt. Calvin asked Ray and
11 them to go get him a key. We got
12 pushed out because he needed
13 accommodations. And the ADA laws
14 state that people with disabilities
15 are supposed to work and enjoy their
16 place of employment. And these
17 things, the changes that he made was
18 for him to have -- for his work to go
19 along better for him. A swipe key
20 and don't have no trouble parking at
21 the loading dock. And the placement
22 of that machine being moved from down
23 there in a corner in a little room

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1 out of the eyes of the people, it
2 didn't cause -- there was no undue
3 hardship. That was an evil and a
4 cruel thing to do to us, and Calvin's
5 advocates went along with it to push
6 us out. That was an evil thing to
7 do. We'd done no harm, done nothing
8 but good. You think that the
9 building is so big. They was more
10 worried about Calvin making a hundred
11 thousand dollars. It's been a mess
12 about that building from the
13 beginning. They got rid of
14 Calvin's --

15 HEARING OFFICER: Well, this is
16 the time to comment on the evidence.
17 We don't want comment on stuff that's
18 not in evidence. Go ahead. I didn't
19 mean to interrupt.

20 MS. SCOTT: But that was a cruel
21 thing to do, to come up with that,
22 the results, because the swipe key
23 being taken from us and the requests

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1 being sent to his advocates down to
2 do for him, they done nothing. And I
3 had asked Ray. Ray knew that
4 Swearengin wasn't going to do it.
5 But each time Keith Green went to
6 them, he said for us to move. Every
7 time Ken brought that back. And that
8 was cruel. It didn't cost him
9 nothing. And his employees have to
10 do their work. Ray and them stood by
11 and allowed him because they said
12 that he's the building manager.
13 Well, they are the State licensing
14 agency. How can a building manager
15 tell you what blind vendors are put
16 in a State public building? He's not
17 supposed to have that power over
18 y'all. You're the State licensing
19 agency. Y'all stood by and allowed
20 it to happen. You could have went
21 and done what I done. I got on a
22 mountain and screamed. I wrote all
23 them people to get us back to work.

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1 And I had told you, Ray, to go to the
2 utmost part to get it done, that it
3 wasn't no sin and it wasn't no crime.

4 HEARING OFFICER: Well, I want
5 you to talk to me.

6 MS. SCOTT: Okay. Anyway,
7 that's what I told him. And it's
8 just terrible that it turned out, you
9 know, like it did for us. It's a
10 hurting thing. Calvin's emotionally
11 disturbed. He couldn't hardly talk
12 on the phone when the United States
13 Government called. I'm the one that
14 got on there. He was so disgusted
15 with Perry. Perry was supposed to
16 hit the ceiling and walk out on this.
17 Ray has never caused Calvin nothing
18 but problems from day one. He sued
19 to be Calvin's rep.

20 HEARING OFFICER: We don't -- we
21 don't have any evidence on that.

22 MS. SCOTT: Okay. All right.

23 HEARING OFFICER: I don't want

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1 to cut you off, but do you have
2 anything else you want to say about
3 the law or the evidence presented
4 today?

5 MS. SCOTT: No. No more than it
6 was terrible what happened. It was a
7 very terrible thing for him to do to
8 us.

9 HEARING OFFICER: Okay. I've
10 heard that three times. Is there
11 anything else?

12 MR. SIMPSON: Your Honor, not in
13 the way of argument or closing
14 argument, I just want to point out
15 that in Magistrate Coody's order he
16 directs the Department to report to
17 the Court the outcome of this
18 proceeding within five days.

19 HEARING OFFICER: He gave
20 you-all all that time to arrange this
21 and he only gives me five days.

22 MS. SCOTT: But he said in a
23 month, in thirty days.

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1 HEARING OFFICER: I have the
2 order.

3 MR. SIMPSON: I just wanted
4 to --

5 HEARING OFFICER: I have the
6 order.

7 MS. SCOTT: The order say five
8 days?

9 HEARING OFFICER: I have the
10 order. You can read it and I can
11 read it.

12 MS. SCOTT: We got an order that
13 he sent to us, too. And down in the
14 court he said we had thirty days.
15 And I also have recorded -- I went by
16 and picked up a court report --

17 HEARING OFFICER: No, ma'am.
18 That's not necessary.

19 MS. SCOTT: -- on the hearing
20 that was done there. I also have
21 that. I went by and picked it up,
22 paid money to get it.

23 MR. SIMPSON: The other thing

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1 that I wanted to point out that I'm
2 not sure Magistrate Coody addresses
3 in his order, the next step in the
4 due process proceeding set out in the
5 federal statute Randolph-Sheppard
6 Act --

7 HEARING OFFICER: Arbitration.

8 MS. SIMPSON: The Department
9 would request that any order that you
10 would issue would set out that the
11 next step is to file a complaint with
12 the Secretary of the United States
13 Department of Education.

14 HEARING OFFICER: Okay.

15 MR. SIMPSON: That's all.

16 HEARING OFFICER: All right.

17 Well, this hearing is adjourned.
18
19
20
21
22
23

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CERTIFICATE

STATE OF ALABAMA

ELMORE COUNTY

I hereby certify that the above and foregoing proceeding was taken down by me in stenotype and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witnesses upon said hearing.

I further certify that I am neither of counsel, nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

Virginia Denese Barrett

VIRGINIA DENESE BARRETT

MY COMMISSION EXPIRES 5/19/07

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